IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION 5:06cv139

FRANK McGINNIS,)	
Plaintiff,)	
Vs.	{	ORDER
MICHAEL J. ASTRUE, Commissioner of Social Security,)	
Defendant.))	

THIS MATTER is before the court on the joint Motion for Remand Pursuant to Sentence Four of 42 U.S.C. Section 405(g). Having considered the joint motion and reviewed the pleadings, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that the joint Motion for Remand Pursuant to Sentence Four of 42 U.S.C. Section 405(g) (#13) is **GRANTED**, and:

- (1) this matter is **REMANDED** to the Commissioner, and on remand the Commissioner will consider whether a favorable award can be made; and
- (2) in the event of less than a fully favorable award, the Appeals Council shall in turn remand this matter to an ALJ for further proceedings as provided in the joint Motion for Remand.

Signed: June 25, 2007

ennis & Hawel

Dennis L. Howell United States Magistrate Judge